

Tony Law



To: Hornby Island Local Trust Committee

1 June 2026

Dear LTC members:

I urge you to immediately revisit your 1st May resolution to slow-track the correction of the long-standing error in the Public Use zone of the Land Use Bylaw which has now become an impediment to moving forward on a diligently pursued opportunity to enable a community housing project.

A representative of HCEEC spoke at the May meeting of the time-sensitive situation with respect to government entities facilitating the availability of Crown land for housing, which cannot readily happen without the appropriate zoning in place.

This time-sensitivity only exists because, for the past 8 years (two full terms!), the LTC failed to correct this error, despite regular reminders from a former trustee, the APC and HCEEC. As a result of past non-action, what was the error's potential future negative impact has now morphed into a significant barrier that needs to be addressed urgently.

At the May meeting, staff advised that *"the time sensitivity cannot be accomplished through the OCP/LUB process because it is a much longer project."*

Despite this advice, the LTC chose to include the needed error-correction within the OCP/LUB project (Option 1 in the staff report) rather than directing it to be dealt with immediately.

The LTC Chair stated completion of this project (adoption of bylaws 176 and 177) cannot be expected in this term, noting that there are only two more LTC meetings scheduled before the election, and that the bylaws require public hearings, third readings, approval, and adoption.

However, I believe the much simpler process for a stand-alone amending bylaw, specific to the public use area, CAN be completed this term.

Here is a comparison of the two processes:

1. Pre-Public Hearing

- Bylaws 176/177

A revised version of proposed Bylaw 177, to add in changes to the PU zoning, will have to be drafted and will require an amended second reading at a public meeting.

- Stand-alone bylaw

An amending bylaw (involving similar measures as those that would have to be incorporated into Bylaw 177) will have to be drafted. First and second readings can happen at the same meeting.

2. Public Hearing

- Bylaws 176/177

A date will have to be set, notice provided, and a public hearing held for the two bylaws

- Stand-alone bylaw

No public hearing is required. This is because the *Local Government Act* does not require a public hearing if a proposed zoning bylaw is consistent with the OCP – see section 464 (2)b) -

(The *Local Government Act* requires that public notice be given “not more than ten days and not less than three days” before first reading - see sections 466 and 467.)

Instead of a public hearing, all three readings can be given on the same day.

3. Post public hearing – third reading

- Bylaws 176/177

As a result of considering the input at the public hearing, the LTC could either:

- a) give third reading to the bylaws
- b) make minor amendments and then give third reading, or
- c) make amendments to the bylaw involving use and density, which would require a second public hearing, likely in the next term, or
- d) postpone consideration, likely to the next term

(it should be noted that the main issue in the bylaws is the permitting process for vacation rentals which has always been controversial. At the January 2026 LTC meeting, a trustee noted that based on averages from other islands, information received from the Province indicating 65 [TUPs for vacation rentals] would be the highest number in proportion to the population of the island compared to other gulf islands”. The number has since been increased to 87. Community concerns may well lead to public requests for the issue to be addressed by the incoming rather than outgoing LTC, which will significantly delay the OCP/LUB project.)

- Stand-alone bylaw

Third reading can be given at the same time as first and second reading

4. Approval of bylaws

- Bylaws 176/177

In addition to the usual policy check list, staff would need to prepare for the Executive Committee a report advising of financial and resource implications of handing vacation rental TUPs.

Because Bylaw 176 amends the OCP, it will require ministerial approval before Bylaws 176 and 177 can be considered by the Executive Committee. Ministerial approval usually takes one to three months.

Once this is received, Executive Committee approval can take up to a month.

- Stand-alone bylaw

The approval process should be straight forward and take less than a month.

4. Adoption of bylaws

- Bylaws 176/177

Because of the times required for public hearings, consideration of third reading, ministerial approval and Executive Committee approval, adoption is extremely unlikely this term, even if everything goes as smoothly as possible.

- Stand-alone bylaw

As soon as the bylaw receives Executive Committee approval it can be immediately adopted by Resolution Without Meeting in accordance with Section 26 of the *Islands Trust Act*.

Possible timeline for a stand-alone bylaw

Given the above, the following timeline should be possible for a stand-alone bylaw:

1) Drafting of bylaw and public notice of first reading:

- June 2026

2) First, second, and third readings of the bylaw

- 26 June, if draft bylaws are ready n time
- or July through rescheduling of the 26 June meeting
- or July through a Special Meeting

3) Executive approval of the bylaw

- July/August

4) Adoption of the bylaw by RWM

- August/September

The above suggests that a stand-alone bylaw can be readily completed in this term, something that was not carefully explored in the May meeting in advance of making a decision.

Action needed!

I therefore strongly encourage one of the members of the LTC to immediately initiate a Resolution Without Meeting to:

a) Rescind the resolution made at the 1st May meeting,

b) Request staff to

i) pause work on the OCP/LUB

ii) prepare a draft bylaw for consideration of first, second, and third reading to amend Schedule “A” of Hornby Island Land Use Bylaw No. 150, 2014 along these lines:

1) PART 8, ZONE REGULATIONS, Section 8.21 Public Use (PU) Zone

Replace the following wording under:- (2) *Permitted Buildings, Structures and Density*

(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

(a) buildings and structure for the principal permitted uses;

(b) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; and

(c) accessory buildings and structures

- with (additional new words in bold):

(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

(a) buildings and structure for the principal permitted uses;

(b) a maximum density of 10 community housing units per hectare and 24 live/work units per lot.

(c) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; and

(d) accessory buildings and structures

2) PART 8, ZONE REGULATIONS, Section 8.21 Public Use (PU) Zone

Replace the following wording in the table under:- (9) *Site Specific regulations:*

8.21(9) Site Specific Regulations:

Despite 8.21(1), the only permitted uses are:

(a) Cemetery;

(b) Public utility storage yard;

(c) Highways maintenance yard; and

(d) Recycling depot

- with:

8.21(9) Site Specific Regulations:

In addition to 8.21(1), the following uses are permitted:

- (a) Public utility storage yard; and*
- (b) Highways maintenance yard;*

iii) Provide public notice of first reading in accordance with the *Local Government Act*

iv) If the draft bylaws cannot be available for readings at the 21st June meeting, consult with the Chair about rescheduling the meeting, or scheduling a Special Meeting..

I believe the suggested two amendments will be the simplest way to restore the intended permitted use regulations as stated in the previous Land Use Bylaw before the error was made, while also adding density provisions for community housing.

It would be good to get staff advice before finalizing the wording of an RWM.

Background information

Listening to the comments made by all three trustees at the 1st May meeting, it seemed to me that there was a lack of understanding about this issue. The following information may be helpful;

- Revelent LTC legislation:

Land Use Bylaw No. 86, 1993 - creation of the PU-a) subzone

The Public Use zone is divided by Central Road into two areas.

The Bylaw created Sub-zone PU-a for the portion south of Central Road. In this sub-zone, additional site specific uses were permitted: Highways maintenance yard; Recycling depot; Public utility storage yard; Cemetery; and Community trades and services, including associated retail.

Official Community Plan Bylaw No. 104, 2002 – policy support for community housing in the PU

When this OCP was adopted, it included the following new policy for all land in the “Public Use” designation:

6.2.7 The development of seniors, affordable, or special needs housing for Island residents, including summer temporary facilities for displaced year-round residents, operated by a community non-profit society, shall be permitted on land designated public use and shall be regulated by development permit and land use bylaw regulations. Other residences shall only be permitted for the purpose of accommodating a caretaker or operator.

Bylaw No. 134, 2008 - community housing added as a permitted use for the whole PU zone

This Bylaw amended Land Use Bylaw 86 by adding “Community Housing” as a permitted use in the Public Use zone – this applied throughout the zone. The amendment also added a density regulation for community housing: “9.12.2.1 A maximum of 5 community housing units per hectare to a maximum of 20 per lot”.

(The part of the zone where a community housing project was most likely to happen is south of Central Road, the PU.a) sub-zone. North of Central Road, the land is already intensely used for the school, preschool, community hall, arts centre, credit union, framers’ market, health centre, clinic, recreation centre, and now fire hall with the remaining land identified for treaty settlement. South of Central Road is a significant amount of vacant Crown land that has potential for community housing. In fact, what prompted this zoning amendment was discussions with BC Housing about potential low income housing on an identified site in the PU-a portion of the Public Use zone.)

Hornby Island Land Use Bylaw No. 150, 2014 – the error appears!

When this new Land Use Bylaw was drafted and adopted, inexplicably the site specific regulations for the PU-a) sub-zone were changed by specifying the previous additional uses as the only uses. This meant that community housing, among other uses was no longer officially permitted in the one part of the island where they were most likely to be a possibility! This change did not come about as a result of public input nor LTC direction and, regrettably, went unnoticed at the time.

- Relevant LTC Directions

Two terms ago -error identified and direction given

The error was identified when it was realized that zoning mistakenly prevented the proposed use for the old Fire Hall, being considered by CVRD:

March 2018:

HO-2018-008 It was MOVED and SECONDED, that staff be requested to contact Comox Valley Regional District with respect to any issues regarding the permitted uses of the sub area of the PU zone which includes the Old Fire Hall and provide recommendations to the Local Trust Committee on timing and process for amending the Land Use Bylaw.

April 2018

Planner Ritemann reported that the Comox Valley Regional District (CVRD) is considering a repurposing of the old Firehall into a community space for artist and communal studios. She advised of an inconsistency between the stated and intended permitted uses of the PU(a) zone in the LUB which would affect this potential repurposing. A Trustee confirmed that the intent of the PU(a) zone was to permit uses in addition to the others already permitted in the regular PU zone and suggested that a “housekeeping” amendment might be considered in order to correct this error.

- LTC Direction:

HO-2018-024

It was MOVED and SECONDED, that the Top Priorities of the Work Program be amended by replacing "Housing amendments" with "Land Use Bylaw amendments" as a Description with the Activity "Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments".

Last term – correction of error at first a priority, then dropped

At the beginning of the term, in January 2019, this was the #1 priority on the LTC work program:

Land Use Bylaw Amendments

A Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments

In July 2019, staff provided a report and project charter which divided potential LUB amendments into two phases, the first to address minor (eg typographical) changes and the second to address more substantive changes. The Public Use amendment was "to be decided" - "the issue requires more research".

- The LTC endorsed the Project Charter without the inclusion of the Public Use issue.

In February 2022, Advisory Planning Commission Chair Wendy Burton described the clerical error in the Hornby Island Land Use Bylaw 150 Section 8.21(1) Public Use Zone (a) which precludes The Hornby Spark from operating in their present location and precludes the possibility for multi-family dwellings on a piece of community land in the area.

- LTC direction:

HO-LTC-2022-016 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee request staff to review the recommended changes from the Advisory Planning Commission to the current Public Use Zone (a) bylaw wording and determine if there needs to be an administrative correction or a bylaw recommendation. CARRIED

This term – an intent was stated, but not acted upon in a timely way

11.1 Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023 Trustees acknowledged the 48-page document from former Trustee Tony Law, submitted to the LTC on August 27, 2023, that 1) proposes a comprehensive approach to land use planning for housing on Hornby Island; and 2) provides a description and context for the error in the "Public Use Zone" which needs correction for the HICEEC proposal for community housing in the public use zone south-west of Central Road to be permitted.

HO-LTC-2023-040

It was MOVED and SECONDED, that the Hornby Island Local Trust Committee direct staff to amend the current Land Use Bylaw Project Charter to correct the error in the Public Use Zone to provide for community housing.

CARRIED

April 2024

Ross Birchall, Managing Partner of Wellesley Consulting Group (WCG) headquartered in Victoria, provided the following update on various housing initiatives of the Hornby Island Community Economic Enhancement Corporation (HICEEC).

Rural Economic Diversification Infrastructure Program (REDIP) Grant Application application was successful and HICEEC was recently granted \$100,000.00 for project costs, such as feasibility studies and business planning, for safe affordable housing on Hornby. Thank you to the Local Trust Committee (LTC) for their letter of support, to Islands Trust staff, and to others who contributed to this successful outcome. Lisa Helps, the Executive Lead for BC Builds Project Origination, is working with HICEEC toward Hornby Island being a Partner Community; and exploring funding and investment opportunities.

- WCG is advising the HICEEC board on the preparation of a formal Crown land use application to the provincial government and is seeking help from the LTC for an amendment to Land Use Bylaw (LUB) 150 Public Use (PU) (a) section to allow for additional permitted uses so that housing might be permitted on this Crown land in the future.

- Planner Cox asked if the request to the LTC was to sponsor a rezoning application. Ross Birchall responded that the intent was for the language in the bylaw to be less restrictive for a possible future housing application.

HO-LTC-2024-013 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee schedule a Special Meeting in May to discuss future usage of the parcel of Crown Land in the Public Use Zone, given the new information received that the land use authority is under three jurisdictions, in order to 1. Respond in a timely manner when we receive referral from the province on the Rogers Cell Tower proposal, 2. Respond to the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the local Housing Society's request to amend the bylaws governing the Public Use Zone given for much needed affordable housing based on the needs of the community, and 3. To discuss additional permitted uses in the Public Use Zone

May 2024

LTC Direction:

HO-2024-017 It was MOVED and SECONDED that the Hornby Island Local Trust Committee request that a letter of support be drafted to the Hornby Island Community Economic Enhancement Corporation (HICEEC), stating its intent to consider amendments to the Hornby Island Land Use Bylaw No. 150 to support inclusion of community housing as a permitted use in the Public Use - PU(a) Zone site specific regulations.

LTC Direction:

HO-2024-018 It was MOVED and SECONDED that the Hornby Island Local Trust Committee request staff to explore adding additional permitted uses in the Public Use, PU(a) site specific zone, community trades and services and community and workforce housing in the major project charter draft bylaws

Final words

I realize what I have suggested will slow down the OCP/LUB process, but this is a consequence of the LTC not taking appropriate action over the past eight years despite reminders. The error is now blocking implementation of a key OCP policy which reflects the community's priority for affordable and accessible housing.

Taking this action can positively benefit the LTC as follows:

- 1) The LTC can take pride in resolving a long-standing issue rather than yet again passing it on to a new term.
- 2) The LTC will be honouring the intent it stated two years ago.
- 2) The LTC will become a partner with other agencies in supporting a possible community housing option, rather being perceived as presenting an obstacle.
- 3) The LTC will be honouring, rather than blocking, the diligent work conducted over many years to advance a community housing proposal supported by the OCP.
- 4) The LTC will conclude this term with an important bylaw enacted, given that the OCP/LUB bylaws are extremely unlikely to be ready for adoption this term.

Good luck with this!

Thank you so much for considering this letter.

Sincerely,

Tony Law

Hornby Island Resident
and former

- Hornby Island Local Trustee
- Vice Chair of Islands Trust Council
- Chair, Islands Trust Council Community Housing Task Force
- Member, Comox Valley Standing Committee on Homelessness and Housing
- President, Islanders Secure Land Association (a community housing land trust)
- Executive Director, Hornby Island Economic Enhancement Corporation
- Chair, Islands Trust Conservancy (Trust Fund Board as it was at the time)